BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY
(RETD.CHIEF JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 26274 of 2006(C)
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PETITIONER:
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MOHAMMED ISMAIL,
S/O.ALIKUTTY HAJI, AGED 47 YEARS,
THALIKULATHIL HOUSE, CHOTTUR,
KARIPPOL P.O., VALANCHERY VIA.,
MALAPPURAM DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
MALAPPURAM.

3. ING VYSYA BANK LTD.,
REP. BY ITS SENIOR RELATIONSHIP MANAGER,
RETAIL BANKING DIVISION,
RAVIPURAM, COCHIN-18.

BY ADV. SMT. SREEKALA KRISHNADAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONERS EXHIBITS:

EXT. P1: COPY OF THE TELEGRAM SENT BY THE 3RD RESPONDENT TO THE PETITIONER INTIMATING HIM ABOUT THE FACT OF THE REPOSSESSION.

EXT. P2: COPY OF THE ORDER OF STAY DATED 19.9.06 IN CRL.M.C.NO.2873/06.

EXT. P3: COPY OF THE LETTER DATED 28.6.06.

EXT. P4: COPY OF THE LETTER DATED 11.8.06 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT. P5: COPY OF THE DEMAND NOTICES DATE 12.9.06 ISSUED UNDER SECTIONS 7 AND 34 OF THE REVENUE RECOVERY ACT.

/TRUE COPY/

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**M.M.PAREED PILLAY (RETD. CHIEF JUSTICE) &**
**M.R.HARIHARAN NAIR (RETD. JUDGE)**

W.P.(C) No. 26274 OF 2006(C)
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Dated this the 11th day of December, 2006

**A W A R D**

**M.M.PAREED PILLAY (Rtd. Chief Justice)**

Parties have settled their dispute as per the following terms:

a. The 3rd Respondent bank agrees to accept a sum of Rs.2,80,000/- (Rupees Two lakhs and eighty thousand only) in full and final settlement of the dues.

b. Out of the said amount, a sum of Rs.1,00,000/- (Rupees One lakh only) will be paid by the petitioner on or before 31.12.2006 and the balance of Rs.1,80,000/-(Rupees One lakh eighty thousand only) will be paid in two equal instalments on or before 31st January 2007 and 28 February 2007 respectively. On payment of last of the above instalments, the Bank agrees to withdraw the criminal proceedings initiated against the petitioner in respect of dishonored cheque.

c. As regards the claim raised against the petitioner and Mohammed Abdu Rahman as per notice issued by the Bank's Advocate on 5th October 2006, the Bank agrees that the claim will not be pursued any further after the

payment of the last aforesaid instalment. The post dated cheques in the hands of the Bank will also be returned to the petitioner after the payment of the last instalment mentioned above.

WP(C) is disposed of as per the settlement.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETD. JUDGE)

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